

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1, 4, 6, 7, 9-16, 18, 20, 21, 23-27, 29, 31-41, and 43-45 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks set forth below.

Entry of Amendment

It is respectfully requested that the present amendment be entered into the official file in view of the fact that the amendments to the claims automatically place the application in condition for allowance. Alternatively, if the Examiner does not agree that the application is in condition for allowance, it is respectfully requested that the present amendment be entered for the purposes of appeal. The main change to the independent claims is the inclusion of a new paragraph which was previously found in the dependent claims. In addition to this, the only change is the change of the word "near" to "across", which is designed to give a more clear indication of the location of the reflective area. In view of this, entry of the amendment is considered proper.

Telephone Interview

Applicants note with appreciation the telephone interview conducted with Examiner McPherson on December 8, 2003. During that

telephone interview, the rejections to the claims were discussed as well as possible changes to overcome the rejection. No agreement was reached during the interview. However, the present amendment is based on that discussion.

Rejection Under 35 USC §102

Claims 1, 4-7, 9-16, 18-21, 23-26, and 40-45 stand rejected under 35 USC §102 as being anticipated by EP 0 822 543. Claims 1, 4-7, 9-16, 18-21, 23-27, and 29-39 stand rejected under 35 USC §102 as being anticipated by WO 00/04536. These rejections are respectfully traversed.

By way of the present amendment, Applicants have canceled claims 5, 19, 30, and 42 and incorporated the limitations into corresponding independent claims 1, 16, 27, and 40, respectively. Thus, each of the independent claims now makes it clear that the specific mechanism which is utilized to decrease the reflectivity reduces the effective thickness of the layers and changes the optical path of the incident and reflected light from the optical beam to shift the interference and alter the reflective intensity by the reflective area. Applicants submit that the two-cited references do not show these features. Further, the independent claims have also been amended to make it clear that the reflective area is formed across the interface between the reflecting layer and the transparent layer.

The European reference discloses a recording layer having a semiconductor layer and a reflecting metallic layer that can produce semiconductor/metal contacts inducing a crystalline effect during light exposure. The amorphous semiconductor layer (the reacting layer, such as silicon) will crystallize starting from the semiconductor/metal interface and results in the modulation of the reflectivity of the recorded layer. Since this is a different recording mechanism than the present invention, that is, it involves the crystallization of the semiconductor layer, only changes within the semiconductor layer may alter the resultant reflectivity. In the present invention, the mechanism includes the reduction of the effective thickness of both the transparent layer and the reflecting layer. Thus, this type of mechanism is not suggested by nor obvious over the European reference.

The WIPO reference teaches a second layer having at least an oxide or substance including oxygen as a constituent element and the optical recording mechanism is activated by the oxidation of the first metal layer. This results in an oxidized first metal layer and a "less-oxidized" second oxidized layer (column 4, lines 43-62). Although the transparent layer in the present invention can be made of an oxide, the recording mechanism is completely different from that of the WIPO reference. Further, the WIPO reference does not disclose a semi-transparent reflective area whereby the effective thicknesses of the first and second layers

are reduced. Further, in the present invention, since the mechanism is different from that in the WIPO reference, optical contrasts are not limited to reflectivity changes resulting from oxidation so that materials including non-oxides may be used for the transparent layer and reflecting layer.

In view of the above, Applicants submit that the present independent claims are neither anticipated by nor obvious over the European and WIPO references cited by the Examiner.

Furthermore, dependent claims 4, 6, 7, 9-15, 18, 20-26, 29, 31-39, 41, and 43-45 depend from these allowable independent claims and as such are also considered to be allowable. In addition, each of these claims recites other features of the recording medium and are additionally allowable due to these additional features.

CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned below, in an effort to expedite prosecution in connection with the present application.

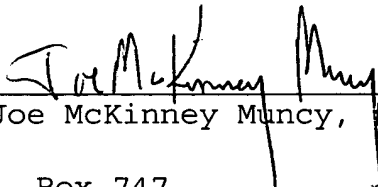
Pursuant to 37 C.F.R. § 1.17 and 1.136(a), Applicants respectfully petition for a two (2) month extension of time for filing a response in connection with the present application. The required fee of \$420.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.


Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


Joe McKinney Muncy, #32,334

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

 KM/RFG/jeb
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Attachment(s)